## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

TRISTAR INVESTORS, INC.,	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	
	§	
AMERICAN TOWER CORPORATION,	§	
et al.,	§	
Defendants.	§	
	§ CIVIL ACTION NO. 3:12-C	V-499-M
AMERICAN TOWER, LLC, et al.,	8	
	8	
Counter-Plaintiffs,	§	
- · · · · · · · · · · · · · · · · · · ·	8	
v.	8	
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TRISTAR INVESTORS, INC., et al.,	\$ \$	
	8	
Counter-Defendants.	8	
Counter-Detendants.	5 &	
	<b>_</b> 2	

# JOINT NOTICE REGARDING SUPPLEMENTAL DOCUMENT PRODUCTION

Pursuant to Paragraphs 9 and 14 of the Amended Scheduling Order (Doc. 196) and Paragraph 14 of the Second Amended Scheduling Order (Doc. 319), the parties hereby give notice to the Court that they have agreed to limit their respective supplemental document productions, as set forth below:

The parties understand and agree that, given the supplemental nature of this collection and time constraints of the litigation, the collection of documents will not be conducted through use of a server/journal collection system or application of keyword searches, but will, with the oversight of counsel, be based upon self-identification of relevant documents by each custodian. The collection will be limited to responsive, non-privileged documents obtained from the custodians identified below. To the extent that any identified custodian is no longer employed by American Tower, American Tower

will undertake a search of these employees' archived emails and any collections of loose and/or hard copy documents to identify responsive, non-privileged documents

- 1. American Tower agrees to produce documents responsive to the following categories by April 4, 2014:
  - a. Using the ATC personnel who communicated with AT&T or AT&T's investment bankers, brokers, or other agents or intermediaries regarding the AT&T tower portfolio as custodians: All documents since American Tower's last harvest that are related to or about American Tower's communications with AT&T related to or about AT&T's MLA with TriStar.
  - b. Using the list of custodians in ¶ 5 below: All documents since American Tower's last harvest that are related to or about American Tower's communications related to or about the Maumee and/or Indian Creek sites.
- 2. TriStar agrees to produce documents responsive to the following categories by April 4, 2014. The collection of these documents shall be from any custodian previously collected by TriStar.
  - a. All documents since its last harvest related to or about AT&T's MLA with TriStar, including, but without limitation, AT&T's termination of its MLA with TriStar.
  - b. All documents since its last harvest related to or about TriStar's put/call options with Crown Castle International, including but without limitation, the exercise of same.
- 3. Due to the volume of documents produced by the parties to date, the number of document production requests served by the parties, and the anticipated time remaining until trial, all parties hereby agree that, subject to  $\P$  4 below, the document production set forth above in  $\P$  1 and 2 is the only supplementation of document production that will be required, absent good cause shown due to changed circumstances, and will be deemed as compliance with Fed. R. Civ. P. 26(e).
- 4. The supplemental document production set forth above in ¶¶ 1 and 2 does not preclude any party from voluntarily supplementing its document production in its sole discretion. To the extent either party chooses to voluntarily supplement its document production, the other party will be entitled to receive from the supplementing party production of additional documents necessary to ensure that neither party can produce only its own "good documents" regarding a subject matter while withholding its "bad documents."

# 5. American Tower custodians for ¶ 1.b above are:

Crosby, Greg	Moore, Jeoffrey
McNiel, Rob	Myers, Ben
Disanto, Ed	Noel, Bud
Dowling, Ruth	Noland, Stacey
Finnegan, Francis	Prescott, Chris
Flint, Harry	Rosa, Anthony
Grant, Marc	Rosenthal, Phillip
Hirsch, Jason	Smith, Rod
Maggio, Ed	Vondran, Steve
Marshall, Steven	Wu, Jacky

#### **AGREED:**

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John D. Taurman

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Counsel for Defendants and Counter-Plaintiffs

## **CERTIFICATE OF SERVICE**

On March 13, 2014, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jon G. Shepherd

Jon G. Shepherd